

1 KEVIN V. RYAN (CASBN 118321)
2 United States Attorney

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION
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12 UNITED STATES OF AMERICA,)	No. CR-03-40101-DLJ
)	
13 Plaintiff,)	VIOLATIONS: 18 U.S.C. § 371 –
)	Conspiracy; 18 U.S.C. § 2314 –
14 v.)	Transportation of Stolen Goods (7 counts);
)	18 U.S.C. § 1001(a)(2) – False Statements
15)	
16 VINH DUONG)	
(aka Vincent Duong),)	
)	OAKLAND VENUE
17 Defendant.)	
)	

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19 SUPERSEDING INDICTMENT

20 The Grand Jury charges:

21 COUNT ONE: (18 U.S.C. § 371 – Conspiracy to Transport Stolen Goods)

22 From in or about February 2002, through in or about May 2002, in the Northern District
23 of California and elsewhere, the defendant,

24 VINH DUONG
25 (aka Vincent Duong),

26 did conspire with Sylvia Ogawa to cause goods, wares, and merchandise, of the value of at least
27 \$5,000, to be transported, transmitted, and transferred in interstate and foreign commerce,
28 knowing the same to have been stolen, converted, and taken by fraud, and, in furtherance of that

SUPERSEDING INDICTMENT;
CR-03-40035-DLJ

1 conspiracy, Ogawa and defendant committed the following overt acts:

2 1. In or about March 2002, in a telephone conversation with Ogawa, DUONG
3 offered Ogawa approximately \$7,000 cash if Ogawa would sell Sanmina products to DUONG at
4 prices that DUONG named.

5 2. In or about March 2002, in a telephone conversation with Ogawa, DUONG
6 offered Ogawa sponsorship in the United States if Ogawa would sell Sanmina products to
7 DUONG at prices that DUONG named.

8 3. On or about March 26, 2002, DUONG issued check number 141 payable to Frank
9 Cham (Sylvia Ogawa's husband) in the amount of \$150.00.

10 4. On or about April 2, 2002, DUONG issued check number 1014 payable to Frank
11 Cham in the amount of \$100.00.

12 5. On or about April 5, 2002, DUONG issued check number 1020 payable to Frank
13 Cham in the amount of \$100.00.

14 6. On or about April 12, 2002, DUONG issued check number 1024 payable to Frank
15 Cham in the amount of \$400.00.

16 7. On or about April 22, 2002, DUONG issued check number 1037 payable to Frank
17 Cham in the amount of \$100.00.

18 8. On or about April 24, 2002, DUONG issued check number 1039 payable to Frank
19 Cham in the amount of \$500.00.

20 9. On or about May 2, 2002, DUONG issued check number 144 payable to Frank
21 Cham in the amount of \$1,000.00.

22 10. On or about May 3, 2002, DUONG issued check number 145 payable to Frank
23 Cham in the amount of \$200.00.

24 11. On or about May 3, 2002, DUONG issued check number 146 payable to Frank
25 Cham in the amount of \$2,000.00.

26 12. On or about May 7, 2002, DUONG issued check number 147 payable to Frank
27 Cham in the amount of \$4,000.00.

28 13. On or about May 13, 2002, DUONG issued check number 1048 payable to Frank

1 Cham in the amount of \$500.00.

2 14. In or about April 2002, DUONG asked Danny Trinh to ask individuals at other
3 businesses if those individuals or businesses would accept shipments from Sanmina on behalf of
4 Shining Star Technologies, Inc.

5 15. In or about April 2002, DUONG directed Danny Trinh to set up another company,
6 which was eventually named Parity Technologies, Inc.

7 16. In or about April 2002, DUONG directed Danny Trinh to obtain a federal tax
8 identification number for Parity Technologies, Inc.

9 17. In or about April 2002, DUONG directed Danny Trinh to obtain a Federal Express
10 account for Parity Technologies, Inc.

11 18. In or about April 2002, DUONG directed Danny Trinh to obtain a UPS account
12 for Parity Technologies, Inc.

13 19. On or about May 6, 2002, DUONG and Ogawa caused Sanmina-SCI Systems de
14 Mexico to ship Part Nos. MWHN9008317-0005 and MWHN9009579-0003, reflected on Invoice
15 No. 171503, from Mexico to the Northern District of California.

16 20. On or about May 7, 2002, DUONG and Ogawa caused Sanmina-SCI Systems de
17 Mexico to ship Part Nos. MPAQ247195-001, MEX38L2880, MEX29L2203, and MEX29L2081,
18 reflected on Invoice Nos. 171610 and 171612, from Mexico to the Northern District of
19 California.

20 21. On or about May 8, 2002, DUONG and Ogawa caused Sanmina-SCI Systems de
21 Mexico to ship Part No. MWSY57094000010, reflected on Invoice No. 171681, from Mexico to
22 the Northern District of California.

23 22. On or about May 10, 2002, DUONG and Ogawa caused Sanmina-SCI Systems de
24 Mexico to ship Part Nos. MDEL72294, MDEL9885T, MDEL629PU, MDEL12498,
25 MDEL94231, MDEL0202P, MPAQ178406-003, MPAQ155474-001, MPAQ109764-057, and
26 MPAQ242629-002, reflected on Invoice Nos. 171790-171791 and 171800-171801, from Mexico
27 to the Northern District of California.

28 23. On or about May 13, 2002, DUONG and Ogawa caused Sanmina-SCI Systems de

1 Mexico to ship Part Nos. MWDS27148, MWDS4211R, MWDW059PK, and MWDW3811T,
2 reflected on Invoice Nos. 171911-171912, from Mexico to the Northern District of California.

3 24. On or about May 14, 2002, DUONG and Ogawa caused Sanmina-SCI Systems de
4 Mexico to ship Part Nos. MWHN9009314-0001, MWHN9008502-0005, MWHN9005935-0062,
5 MWHN9007411-0003, MWHN9008401-0002, MWHN9009288-0009, and MPAQ352766-001,
6 reflected on Invoice Nos. 171966, 171967, and 171968, from Mexico to the Northern District of
7 California.

8 25. On or about May 22, 2002, DUONG and Ogawa caused Sanmina-SCI Systems de
9 Mexico to ship Part Nos. MDEL55983, MDEL72295, MDEL280JX, MDEL88051,
10 MDEL438GF, and MDEL2267D, reflected on Invoice Nos. 171937, 172033, and 172034, from
11 Mexico to the Northern District of California.

12 All in violation of Title 18, United States Code, Sections 371 and 2314.

13 COUNT TWO: (18 U.S.C. § 2314 – Transportation of Stolen Goods)

14 On or about May 6, 2002, in the Northern District of California and elsewhere, the
15 defendant,

16 VINH DUONG
17 (aka Vincent Duong),

18 did knowingly cause goods, wares, and merchandise, of the value of at least \$5,000, to be
19 transported, transmitted, and transferred in interstate and foreign commerce, to wit, Part Nos.
20 MWHN9008317-0005 and MWHN9009579-0003, reflected on Invoice No. 171503, with an
21 approximate standard cost of \$92,201, and a stated purchase price of \$6,310, knowing the same
22 to have been stolen, converted, and taken by fraud, in violation of Title 18, United States Code,
23 Section 2314.

24 COUNT THREE: (18 U.S.C. § 2314 – Transportation of Stolen Goods)

25 On or about May 7, 2002, in the Northern District of California and elsewhere, the
26 defendant,

27 VINH DUONG
28 (aka Vincent Duong),

1 did knowingly cause goods, wares, and merchandise, of the value of at least \$5,000, to be
2 transported, transmitted, and transferred in interstate and foreign commerce, to wit, Part Nos.
3 MPAQ247195-001, MEX38L2880, MEX29L2203, and MEX29L2081, reflected on Invoice Nos.
4 171610 and 171612, with an approximate standard cost of \$24,791.63, and a stated purchase
5 price of \$1,333.53, knowing the same to have been stolen, converted, and taken by fraud, in
6 violation of Title 18, United States Code, Section 2314.

7 COUNT FOUR: (18 U.S.C. § 2314 – Transportation of Stolen Goods)

8 On or about May 8, 2002, in the Northern District of California and elsewhere, the
9 defendant,

10 VINH DUONG
11 (aka Vincent Duong),

12 did knowingly cause goods, wares, and merchandise, of the value of at least \$5,000, to be
13 transported, transmitted, and transferred in interstate and foreign commerce, to wit, Part No.
14 MWSY57094000010, reflected on Invoice No. 171681, with an approximate standard cost of
15 \$12,748.47, and a stated purchase price of \$142.84, knowing the same to have been stolen,
16 converted, and taken by fraud, in violation of Title 18, United States Code, Section 2314.

17 COUNT FIVE: (18 U.S.C. § 2314 – Transportation of Stolen Goods)

18 On or about May 10, 2002, in the Northern District of California and elsewhere, the
19 defendant,

20 VINH DUONG
21 (aka Vincent Duong),

22 did knowingly cause goods, wares, and merchandise, of the value of at least \$5,000, to be
23 transported, transmitted, and transferred in interstate and foreign commerce, to wit, Part Nos.
24 MDEL72294, MDEL9885T, MDEL629PU, MDEL12498, MDEL94231, MDEL0202P,
25 MPAQ178406-003, MPAQ155474-001, MPAQ109764-057, and MPAQ242629-002, reflected
26 on Invoice Nos. 171790-171791 and 171800-171801, with an approximate standard cost of
27 \$285,798.03, and a stated purchase price of \$3,044.02, knowing the same to have been stolen,
28 converted, and taken by fraud, in violation of Title 18, United States Code, Section 2314.

1 COUNT SIX: (18 U.S.C. § 2314 – Transportation of Stolen Goods)

2 On or about May 13, 2002, in the Northern District of California and elsewhere, the
3 defendant,

4 VINH DUONG
5 (aka Vincent Duong),

6 did knowingly cause goods, wares, and merchandise, of the value of at least \$5,000, to be
7 transported, transmitted, and transferred in interstate and foreign commerce, to wit, Part Nos.
8 MWDS27148, MWDS4211R, MWDW059PK, and MWDW3811T, reflected on Invoice Nos.
9 171911-171912, with an approximate standard cost of \$183,010.98, and a stated purchase price
10 of \$1,832.34, knowing the same to have been stolen, converted, and taken by fraud, in violation
11 of Title 18, United States Code, Section 2314.

12 COUNT SEVEN: (18 U.S.C. § 2314 – Transportation of Stolen Goods)

13 On or about May 14, 2002, in the Northern District of California and elsewhere, the
14 defendant,

15 VINH DUONG
16 (aka Vincent Duong),

17 did knowingly cause goods, wares, and merchandise, of the value of at least \$5,000, to be
18 transported, transmitted, and transferred in interstate and foreign commerce, to wit, Part Nos.
19 MWHN9009314-0001, MWHN9008502-0005, MWHN9005935-0062, MWHN9007411-0003,
20 MWHN9008401-0002, MWHN9009288-0009, and MPAQ352766-001, reflected on Invoice
21 Nos. 171966, 171967, and 171968, with an approximate standard cost of \$283,408.84, and a
22 stated purchase price of \$4,866.34, knowing the same to have been stolen, converted, and taken
23 by fraud, in violation of Title 18, United States Code, Section 2314.

24 COUNT EIGHT: (18 U.S.C. § 2314 – Transportation of Stolen Goods)

25 On or about May 22, 2002, in the Northern District of California and elsewhere, the
26 defendant,

27 VINH DUONG
28 (aka Vincent Duong),

1 did knowingly cause goods, wares, and merchandise, of the value of at least \$5,000, to be
2 transported, transmitted, and transferred in interstate and foreign commerce, to wit, Part Nos.
3 MDEL55983, MDEL72295, MDEL280JX, MDEL88051, MDEL438GF, and MDEL2267D,
4 reflected on Invoice Nos. 171937, 172033, and 172034, with an approximate standard cost of
5 \$136,683.15, and a stated purchase price of \$4,081.82, knowing the same to have been stolen,
6 converted, and taken by fraud, in violation of Title 18, United States Code, Section 2314.

7 COUNT NINE: (18 U.S.C. § 1001(a)(2) – False Statements)

8 On or about October 22, 2002, in the Northern District of California, the defendant,

9 VINH DUONG
10 (aka Vincent Duong),

11 in a matter within the jurisdiction of the executive branch of the Government of the United
12 States, did knowingly and willfully make the following material false statements to an agent of
13 the Federal Bureau of Investigation, who had identified himself as such:

- 14 (1) DUONG stated that he had never met Sylvia Ogawa;
15 (2) DUONG stated that he did not know the name D. Lee; and
16 (3) DUONG stated that he had no knowledge of Parity Technologies, Inc.

17 All in violation of Title 18, United States Code, Section 1001(a)(2).

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Sentencing Allegations

1. The amount of the loss from defendant's conduct exceeded \$1,000,000.00.
2. A substantial part of defendant's fraudulent scheme was committed from outside the United States.
3. Defendant willfully obstructed and impeded, and attempted to obstruct and impede, the administration of justice during the course of the investigation of the offenses, and defendant's obstructive conduct related to defendant's offenses and relevant conduct.

DATED: October 7, 2004

A TRUE BILL.

FOREPERSON

KEVIN V. RYAN
United States Attorney

J. DOUGLAS WILSON
Acting Chief, Oakland Branch

(Approved as to form: _____)
AUSA Sprague